IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007/ 3RD SRAVANA 1929

Bail Appl..No. 4463 of 2007(D)

AGAINST THE JUDGEMENT/ORDER IN BA.982/2007
CRIME NO.25 OF 2007 OF PONKUNNAM POLICE STATION

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PETITIONER : 1ST ACCUSED

DENNY @ THAMPI, AGED 31 YEARS,
S/O.PRAKASH, THAKADIYIL, PONKUNNAM P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI.P.H.SHAJAHAN
SRI.P.A.MOHAMMED SHAH
SRI.KISHOR B.

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA REPRESENTED BY CIRCLE INSPECTOR OF POLICE, PONKUNNAM.

2. THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4463 of 2007

Dated this the 25th day of July, 2007

ORDER

Second application for anticipatory bail. The petitioner, the 1st accused, faces allegations under Section 308 r/w 34 I.P.C. Earlier application filed by him was dismissed by another Bench of this Court with the observation that if the petitioner surrenders before the Magistrate and files an application for regular bail within 2 weeks from 23.02.07, the same shall be considered and disposed of, preferably on the same day on which it is filed. The petitioner did not comply with the said observations. The petitioner has come to this Court again with a renewed prayer for anticipatory bail.

2. The earlier order has become final. It has not been challenged. In these circumstances, I find no change in circumstances, which would justify a fresh consideration on merits of the prayer for anticipatory bail.

3. The learned counsel for the petitioner submits that the petitioner is now willing to appear before the learned Magistrate and seek regular bail. He can do the same. Needless to say, if such application is filed after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, of course, after considering objections and the prayers of the prosecution, expeditiously.

With the above observations, this application is dismissed.

(R.BASANT, JUDGE)

rtr/-